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EXAMINER

PEACHES, RANDY

ART UNIT PAPER NUMBER

2686

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,510

Applicant(s)

MATSUI, GANTETSU

Examiner

Randy Peaches

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. ***Claims 1-4 and 12-20*** are rejected under 35 U.S.C. 102(e) as being anticipated by Dunstan (U.S. Patent Number 6,876,310 B2).

Regarding ***claims 1 and 15***, Dunstan discloses a remote control device (450) that controls any of consumer electronics (CE), which reads on claimed "plurality of apparatus," by transmitting a remote control signal for controlling a target apparatus in response to a user operation, comprising:

- a self-position detecting unit operable to detect a position of the said remote control device (450) and generate self-position information indicating the position. Dunstan teaches of a transmitter locally sending location codes to a said remote control device (450) (see column 3 lines 35-50); however, Dunstan also discloses of the said remote control device (450) being operable to detect its own position; thus, eliminating the high cost of a lone transmitter. See column 4 lines 37-64;

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- an apparatus specifying unit operable to specify one of the apparatuses as the target apparatus, based on the generated self-position information and a predetermined criterion. See column 3 lines 45-52;
- a control operation detecting unit operable to detect a user operation. See column 3 lines 53-58 and column 4 lines 25-36; and
- a transmitting unit operable to transmit a remote control signal corresponding to the detected user operation. See column 3 lines 58-59;

Regarding **claim 2**, according to **claim 1**, Dunstan further comprising:

- an apparatus position-obtaining unit, which can either be implemented in the said remote control device (see column 4 lines 46-67) or located in the said transmitter (405-408)(see FIGURE 5 and column 3 lines 34-52), operable to obtain apparatus position information indicating positions of the apparatuses, wherein
- the apparatus specifying unit specifies one of the apparatuses as the target apparatus based on the obtained apparatus position information. See column 3 lines 45-52), and
- the predetermined criterion, which is interpreted by the Examiner as the room/device correlation, is a positional relation between the remote control vice and each of the apparatuses. See column 4 lines 5-24.

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Regarding **claim 3**, according to **claim 2**, Dunstan further discloses wherein the apparatus specifying unit specifies one of the apparatuses as the target apparatus based on a distance between the remote control device and each of the apparatuses, the distance being calculated by referring to the obtained apparatus position information and the generated self-position information. See column 5 lines 1-10.

Regarding **claim 4**, according to **claim 3**, Dunstan discloses wherein the apparatus specifying unit specifies, as the target apparatus, an apparatus that is closest in distance, wherein Dunstan discloses where a command code can be set for each device, wherein additionally the command code where the code is based on distance. See column 5 lines 11-16.

Regarding **claim 12**, according to **claim 2**, Dunstan further discloses wherein apparatus position obtaining unit obtains the apparatus position information by receiving position information from each of the apparatuses, the position information indicating the position of the each of the apparatuses, the apparatus position information being a collection of the position information. See FIGURE 5 and column 3 lines 34-52 and column 4 lines 46-67.

Regarding **claim 13**, according to **claim 1**, Dunstan further discloses wherein: an apparatus information obtaining unit operable to obtain operation information corresponding to an apparatus specified as the target apparatus by the apparatus

specifying unit; and a display unit operable to display an image based on the operation information. See column 3 lines 35-40.

Regarding **claim 14**, according to **claim 1**, Dunstan further discloses wherein a the self-position obtaining unit generates the self-position information by calculating the position of the remote control device using a GPS function in which radiowaves from GPS satellites are utilized. See column 4 lines 37-64.

Regarding **claim 16**, Dunstan discloses a remote control device (450) for controlling any one of a plurality of apparatuses by transmitting a remote control signal of a predetermined format that activates a selected apparatus in response to a user operation, comprising:

- a remote control housing member having user interface controls. See column 3 lines 35-41;
- a transmitting unit (510) operatively connected to the user interface controls for transmitting a wireless remote control signal. See column 3 lines 35-41;
- a self-position detecting unit in the remote control housing member that detects a spatial location of the remote control device and provides a corresponding signal representative of a physical location. See column 4 lines 62-64; and
- an apparatus specifying unit for prioritizing, based on the room where the said remote control device (450) is located, when more than one of the plurality apparatus are within an operative range of the transmitting unit, one of the

plurality apparatus based on the corresponding signal representative of the physical location of the remote control housing member and predetermined criterion entered into the remote control device, wherein a first in order of priority apparatus from the plurality of apparatus has the user interface controls. See columns 3 lines 40-51, column 4 lines 37-67 and column 5 lines 4-56, respectively.

Regarding **claim 17**, according to **claim 16**, Dunstan further discloses wherein the predetermined criterion provides the spatial locations of the plurality of apparatus within the operative range of the transmitting unit. See column 3 lines 44-52.

Regarding **claim 18**, according to **claim 17**, Dunstan further discloses the apparatus specifying unit prioritizes those plurality of apparatus within the operating range of the transmitting unit based on the physically closest distance apparatus to the remote control device. See column 3 lines 44-51.

Regarding **claim 19**, according to **claim 18**, Dunstan further discloses a switch operation detecting unit that determines a user input, on the interface controls to automatically switch the remote control device to control an apparatus that is the next shortest in distance to the

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said remote control device in the order of priority from the apparatus- specifying unit.

The detection unit is based on the location of the said remote device. See columns 3 lines 40-51, column 4 lines 37-67 and column 5 lines 4-56,

Regarding **claim 20**, according to **claim 16**, Dunstan further discloses a display screen on the remote control housing member that provides automatically control indicia coordinated with the user interface controls for the selected prioritized apparatus. See column 3 lines 34-44.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 5-10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Dunstan (U.S. Patent Number 6,876,310 B2) in view of Ereksen (U.S. Patent Number 6,622,018 B1).

Regarding **claim 5**, according to **claim 3**, Dunstan further discloses wherein the apparatus specifying unit specifies one of the apparatuses as the target apparatus based on a distance between the remote control device and each of the apparatuses,

the distance being calculated by referring to the obtained apparatus position information and the generated self-position information. See column 5 lines 1-10.

However, Dunstan fails to clearly disclose wherein Erekson further discloses wherein comprising:

- a switch operation detecting unit operable to detect a user operation for switching the target apparatus
- when the switch operation detecting unit detects the user operation for switching the target apparatus after at least one of the apparatuses has already been specified, the apparatus specifying unit newly specifies, as the target apparatus, an apparatus that is next closest in distance to the remote control device with respect to a last specified apparatus.
- the remote control signal transmitted from the transmitting unit is for controlling the newly specified apparatus and corresponding to the user operation detected by the controlling operation detecting unit.

Erekson teaches of:

- a switch operation detecting unit operable to detect a user operation for switching the target apparatus, wherein (see column 6 lines 38-46)
- when the switch operation detecting unit detects the user operation for switching the target apparatus after at least one of the apparatuses has already been specified, the apparatus specifying unit newly specifies, as the target apparatus, an apparatus that is next closest in distance to the remote control device with

respect to a last specified apparatus. See column 5 lines 15-36 and column 6 lines 38-64, and

- the remote control signal transmitted from the transmitting unit is for controlling the newly specified apparatus and corresponding to the user operation detected by the controlling operation detecting unit. See column 8 lines 33-41, 56-64.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of Dunstan and Erikson et al. in order to provide a device capable of polling nearby said consumer electronics and automatically capable of controlling the devices in the compliant area.

Regarding **claim 6**, as the combination of Dunstan and Erikson are made, the combination according to **claim 5**, Erikson further discloses wherein comprising:

- an apparatus information obtaining unit operable to obtain apparatus information corresponding to an apparatus specified as the target apparatus by the apparatus specifying unit. See column 9 lines 8-17; and
- an image displaying unit operable to display an image, every time the apparatus specifying unit newly specifies one of the apparatuses, based on the apparatus information corresponding to the newly specified apparatus. See column 9 lines 25-40 and lines 54-67.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of Dunstan and Erikson et al. in order to provide a device capable of polling nearby said consumer electronics and

automatically capable of controlling the devices in the compliant area.

Regarding **claim 7**, as the combination of Dunstan and Erekson are made, the combination according to **claim 6**, Erekson further discloses wherein the apparatus information obtaining unit makes a request to the apparatus for the apparatus information of the apparatus and obtains the apparatus information from the apparatus by communicating with the apparatus specified by the apparatus specifying unit; and the transmitting unit transmits a remote control signal determined based on the obtained apparatus information corresponding to the newly specified apparatus, the remote control signal corresponding to the operation detected by the control operation detecting unit. See column 10 lines 1-10.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of Dunstan and Erekson et al. in order to provide a device capable of polling nearby said consumer electronics and automatically capable of controlling the devices in the compliant area.

Regarding **claim 8**, as the combination of Dunstan and Erekson are made, the combination according to **claim 5**, Erekson further discloses wherein the switch operation detecting unit detects the user operation for switching the target apparatus by sensing a vibration stronger than a predetermined intensity. When the said user uses the stylus, the stroke of the said stylus determines the control specific to the controlled

device. See column 6 lines 5-20.

Regarding **claim 9**, according to **claim 3**, Dunstan further discloses wherein the apparatus specifying unit specifies one of the apparatuses as the target apparatus based on a distance between the remote control device and each of the apparatuses, the distance being calculated by referring to the obtained apparatus position information and the generated self-position information. See column 5 lines 1-10.

However, Dunstan fails to disclose an apparatus that is closest in distance to the remote control device out of the apparatuses positioned in an area within a predetermined angle in the facing direction of the remote control device.

Erekson teaches wherein the self-position information also indicates a facing direction of the remote control device, the facing direction corresponding to a direction in which the transmitting unit transmits the remote control signals mainly. See column 5 lines 5-36, and

- the apparatus specifying unit specifies, as the target apparatus, an apparatus that is closest in distance to the remote control device out of the apparatuses positioned in an area within a predetermined angle in the facing direction of the remote control device. See column 4 lines 54-62.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the teachings of Dunstan and Erekson et al. in order to provide a device capable of polling nearby said consumer electronics and automatically capable of controlling the devices in the compliant area

Regarding **claim 10**, according to **claim 3**, Dunstan further discloses wherein the apparatus specifying unit specifies one of the apparatuses as the target apparatus based on a distance between the remote control device and each of the apparatuses, the distance being calculated by referring to the obtained apparatus position information and the generated self-position information. See column 5 lines 1-10.

However, Dunstan fails to disclose a record storing unit operable to store an operation history of an apparatus specified as the target apparatus by the apparatus specifying unit, when the control operation detecting unit detects the user operation and apparatuses whose distance to the remote control device is closer than a predetermined distance.

Erekson teaches of a system wherein comprising:

- a record storing unit operable to store an operation history of an apparatus specified as the target apparatus by the apparatus specifying unit, when the control operation detecting unit detects the user operation. See column 5 lines 38-53, wherein
- according to the operation history stored in the record storing unit, the apparatus specifying unit specifies, as the target apparatus, one of the apparatuses whose distance to the remote control device is closer than a predetermined distance.

See column 5 lines 38-53.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of Dunstan and Erekson et al. in order

to provide a device capable of polling nearby said consumer electronics and automatically capable of controlling the devices in the compliant area.

3. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Erektion (U.S. Patent Number 6,622,018 B1) in view of Tillgren et al. (U.S. Patent Number 6,339,706).

Regarding **claim 11**, according to **claim 3**, Dunstan further discloses wherein the apparatus specifying unit specifies one of the apparatuses as the target apparatus based on a distance between the remote control device and each of the apparatuses, the distance being calculated by referring to the obtained apparatus position information and the generated self-position information. See column 5 lines 1-10.

However, Dunstan fails to disclose wherein the apparatus specifying unit specifies one of the apparatuses as the target apparatus based on a distance between the remote control device and each of the apparatuses, the distance being calculated by referring to the obtained apparatus position information and the generated self-position information with the usage of Bluetooth technology.

Erektion discloses wherein the apparatus specifying unit specifies one of the apparatuses as the target apparatus based on a distance between the remote control device and each of the apparatuses, the distance being calculated by referring to the obtained apparatus position information and the generated self-position information with

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the usage of Bluetooth technology. See column 5 lines 1-20, column 7 lines 48-63 and column 8 lines 33-41.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of Dunstan and Erikson et al. in order to provide a device capable of polling nearby said consumer electronics and automatically capable of controlling the devices in the compliant area.

However, the combination of Dunstan and Erikson fails to clearly disclose wherein a time unit for keeping time, wherein according to the time indicated by the time unit, the apparatus specifying unit specifies, as the target apparatus, one of the apparatuses whose distance to the remote control device is closer than a predetermined distance.

Tillgren et al. teaches in column 4 lines 48-65 of a system clock of a master device that determines the phase in the hopping sequence. Each of the respected devices has a system clock. This ensures that each of the respect device are properly aligned to the master clock

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the combined teachings of Dunstan and Erikson to include Tillgren et al. in order to properly align each of the respected clocks to the master device when detected as being controlled apparatus.

Response to Arguments

Applicant's arguments with respect to claim 1-20 have been considered but are moot in view of the new ground(s) of rejection.

The Examiner has fully consider the Applicant's claims 1-20; however, based on the newly presented prior art claims 1-20 stand rejected, per the above office action.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Randy Peaches
February 21, 2006



CHARLES APPIAH
PRIMARY EXAMINER